

EXHIBIT 11

RESOLUTION ADOPTED BY POMONA PLANNING BOARD ON JANUARY 12, 2006:

WHEREAS, application has been made to the Planning Board of the Village of Pomona by Joy Builders, Inc. for preliminary subdivision approval of a 40-lot average density subdivision known as Halley Estates II, and

WHEREAS, on or about February 12, 1999, the Pomona Planning Board declared itself Lead Agency and determined that the proposed action was a Type I action pursuant to the New York State Environmental Quality Review Act, and

WHEREAS, on or about September 29, 1999, the Board of Trustees of the Village of Pomona granted the use of average density for this subdivision, and

WHEREAS, on or about February 27, 2002, the Pomona Planning Board accepted the Draft Environmental Impact Statement and scheduled a public hearing on the DEIS for March 27, 2002, and

WHEREAS, on July 14, 2005, the Pomona Planning Board accepted the Final Environmental Impact Statement prepared by Robert G. Torgersen, ALSA, CPESC, as last revised July 8, 2005, which document addressed the comments made by the public at the public hearing held on March 27, 2002, as well as comments made by the Pomona Planning Board and other involved and interested agencies, and

WHEREAS, a public hearing on the FEIS was held by the Pomona Planning Board on August 11, 2005, which hearing was continued on September 8, 2005 and October 25, 2005, and

WHEREAS, on January 12, 2006, the Pomona Planning Board adopted Findings that the proposed action would not have a significant adverse impact on the environment for the reason that proposed mitigations set forth in the Findings addressed and corrected the potential impacts,

NOW, THEREFORE, BE IT RESOLVED that the application submitted by Joy Builders, Inc. for preliminary approval of a 40-lot average density subdivision known as Halley Estates II, situated on the east side of Calls Hollow Road, designated on the Tax Map as Section 25.09 Block 1 Lot 2, consisting of 66.2697 acres in an R-40 Zoning District, in the Village of Pomona, Town of Haverstraw, State of New York, Drawings prepared by Atzl, Scatassa & Zigler, Drawings Nos. 1 and 2 dated January 25, 2002 as last revised May 22, 2005, Drawings Nos. 3, 4, 5, 6, 7, 8, 9 and 10 dated March 15, 2001 as last revised May 22, 2005, Drawings Nos. 11, 12, 13, 14, 15, 16, 17 and 18 dated January 25, 2005, Drawing No. 19 dated March 15, 2001 as last revised May 22, 2005, is

hereby approved, subject to the following conditions:

1. Compliance with letter dated November 11, 2005 from Maser Consulting;
2. Compliance with P.J. Corless, P.E. recommendations dated October 25, 2005 and Memos dated December 30 and 31, 2005;
3. Compliance with Rockland County Planning Department letter dated August 22, 2005 except for Items 1 and 2 under "PUBLIC SAFETY" and Item 1 under "AESTHETICS AND VIEW SHEDS";
4. Phasing schedule will be determined at Final Subdivision hearing;
5. Clearing limits and specific tree retention to be determined at Final Subdivision hearing;
6. Landscaping plan to be determined at Final Subdivision hearing;
7. Lots that are subject to Steep Slope requirements will be subject to Planning Board site plan review;
8. A Note will be added to the plat that the temporary access road will be restored to topsoil and grass cover prior to issuance of the last two certificates of occupancy for the subdivision;
9. On Drawing No. 1 change Note 26 to add that dedication will be made at the same time the roads within the subdivision are dedicated;
10. On Drawing No. 1 change Note 29 to read "No burning or burying of any debris, stumps, branches or materials of any kind are permitted on site";
11. On Drawing No. 1 change Note 30 to comply with Village requirement;
12. On Drawing No. 1 add at end of Note 31 "The construction entrance shall be topsoiled and grassed prior to issuance of certificates of occupancy for the last two houses in the subdivision";
13. On Drawing No. 1 Note 32 to be changed to conform to Village requirement and add covenants to be filed at same time as filing of the subdivision, after approval by the Village Attorney;

14. Add construction sequence and phasing schedule to the plat;
15. Net lot area of each lot to be added;
16. Individual trees to be saved will be tagged on site in compliance with landscaping plan; tagging shall be completed subject to approval of Village Engineer prior to any construction work, and be it further

RESOLVED, that the Planning Board overrides Items 1 and 2 under "PUBLIC SAFETY" and Item 1 under "AESTHETICS AND VIEW SHEDS" set forth in the letter dated August 22, 2005 issued by the Rockland County Planning Department as its General Municipal Law Review for the reasons that 1) the applicant does not own tax lot number 25.05-1-22 nor is it able to obtain access through that lot; 2) the construction access does not provide a safe access on a permanent basis nor is it feasible to provide any other secondary access; the Village of Pomona does not require Architectural Review Board approval for single family residential structures nor does the Village have other authority to require the applicant to comply with specific colors within the subdivision.

VILLAGE OF POMONA

100 Ladentown Road
Pomona, New York 10970
TEL: (845) 354-0545
FAX: (845) 354-0604
www.pomonavillage.com

September 18, 2006

CERTIFICATION

The enclosed is a true and correct copy of a resolution adopted by the Planning Board of the Village of Pomona on January 12, 2006.

Carolyn LaChiana
Carolyn LaChiana
Deputy Clerk

